

reached Justice Seabury in his chambers at 4:46 that a verdict had been found. The news flew like wildfire through the corridors of the Criminal Courts Building, where a large crowd waited to learn the verdict.

Quick Verdict a Surprise.

Nobody was expecting it so soon. District Attorney Whitman was notified at his office on the top floor by private telephone from the judges' chambers. He could scarcely believe that the jury had already decided. The impression was that they probably were going to ask for instructions. No one was allowed in the courtroom except counsel and the newspaper men.

The jury filed in at 4:55. A moment later Justice Seabury took the bench, the jury rising as he entered. They regained their seats just as Clerk Penny called, in a shrill voice:

"Charles Becker to the bar."

A deep silence pervaded the courtroom. There was not a whisper among those present. District Attorney Whitman and his assistants in the case, Mr. Delehanty and Mr. Minton, as well as Mr. Manton and Harford T. Marshall, were in their places at the counsel tables. Every face bore a solemn look. It had been noised around outside of the courtroom when it was known that the jury had reached a verdict in so short a time that it could be but one thing, "Guilty." Perhaps Becker's lawyers thought so.

The faces of the jurors was a study in solemn dignity. Some of them were evidently having a hard time controlling their emotions. Foreman Blagden, the smallest in stature and the youngest of them all, appeared deeply affected. The atmosphere seemed to portend the worst for Becker.

Justice Seabury broke the silence just before Becker appeared by ordering Captain Lynch of the court attendants to take absolute order was maintained in the courtroom. The captain hurried his assistants to various parts of the courtroom to watch the crowd of newspaper men who were scattered about the room. Becker came in at the door through which the jury had filed two minutes after the jury took their seats. He walked alone ahead of the jury, and then at his counsel, and leaned against the railing with one hand on the bar.

"Please rise, gentlemen," the court clerk's voice rang out again. "Jurors, look upon the defendant; defendant, look upon the jurors."

Becker turned toward the jury and seemed to be scrutinizing their faces closely. The jurors looked at him, but most of them let their gaze turn from the defendant after a fleeting glance. Becker eyed the foreman, but Mr. Blagden looked straight at Clerk Penny.

"How find you, gentlemen of the jury, guilty or not guilty?" demanded Penny. "Guilty as charged," replied the foreman, in a low voice.

Becker Appears Dismayed.

There was a rustle in the courtroom. Becker stood perfectly still. His face did not change. He appeared dumfounded, but showed no emotion. Mr. Manton rose and asked that the jury be polled. Becker looked into the face of each man as his name was called and the answer came back, "Aye." He turned his eyes away as the question was asked the tenth jury, as if realizing there was no possible hope.

Then Clerk Penny took the prisoner's pedigree. Officer Cavanaugh, of the court squad, repeated the questions to Becker and then repeated the answers to the clerk. Becker answered most of them loud enough to be heard by all those in the courtroom. His voice was clear and strong.

He said he was forty-three years old, born in the United States, both parents born in Germany, and his residence was 228 Oliveville av., the Bronx. "Occupation?" asked the court officer. "Former policeman," replied Becker. "Religious training?" asked Cavanaugh. "Catholic," replied the prisoner. "Ever been convicted of a crime before?" was the next question.

"Yes, on this same charge," Becker replied. "Before that?" asked the court officer. "No," said the defendant in a clear, ringing voice.

Mr. Marshall got up and went over to Becker and shook his hand fervently. The two men gripped each other's hands for several seconds without speaking. Mr. Manton asked the court to defer sentence.

"I will remand the prisoner to the Tombs for sentence on the 26th," said the court.

In discharging the jury Justice Seabury said:

"Gentlemen of the jury, the court desires to thank you for the service you have rendered. Because of the length of time it required and the absence of entailed from your families I will forward certificates to the Commissioner of Jurors exonerating all of you from further jury duty for two years. I thank you. You are discharged."

Looks at Jurors.

Becker turned from his place against the bar and looked at each man as he filed out of the jury box. Then one of the deputy sheriffs pulled Becker by the sleeve and they started down the aisle toward the prison pen. One of the sheriffs slipped the handcuffs on the prisoner as they were going through the door of the courtroom. Becker turned to his friend who expressed sympathy as he was led away and merely said he was "sorry, too."

The jury were guarded by a phalanx of policemen on their way through the corridors of the building to the big eight-wheeling automobile in which they rode to the Murray Hill Hotel to get their belongings before going home.

Becker's lawyers have six months in which to file an application for an argument on appeal with the Court of Appeals. That time is usually extended. A notice of appeal in the meantime acts as a stay of execution. The extended time for the application to the Court of Appeals depends in most cases on the size of the court record, every word of which has to be gone over by both sides. The record in this Becker trial is an unusually heavy one. Probably Becker will have at least a year to live before his appeal reaches the higher court. The appeal goes directly to the Court of Appeals, because in homicide cases matters of law and not of fact are reviewed.

Profiting by the experience of the little Becker trial, there is expected to be little in the record which will constitute possible reversible errors. An appeal can always be taken at any time on newly discovered evidence. The chances of the Court of Appeals reversing the Becker verdict the second time are thought to be small.

When Mr. Manton declared there were ample grounds for appeal he did not specify. It is understood, however, that three points which the defense will rely

THE BECKER JURY LEAVING THE COURT.



1, F. Meredith Blagden (foreman); 2, James M. Faust; 3, Thomas W. Edwards; 4, Dio L. Holbrook; 5, Philip Loff; 6, Walter Good-year; 7, Gilbert Schanl; 8, Ephraim Plummer; 9, Wilbur F. Rawlins; 10, Jesse G. Velie; 11, Fred A. Sprock; 12, Fred C. Barrett.

upon for grounds for an appeal are: First, the admission of the testimony of Mrs. Lillian Rosenberg, widow of "Lefty Louie," the gunman; second, the ruling of the court in refusing to hear before the jury the argument on the admissibility of the "Dago Frank" confession, and third, the judge's charge to the jury, to which Mr. Manton took exception in court.

No Second Reversal on Record.

There is no record of a murder case in this county where the verdict has been reversed the second time. It appears that unless there is an acquittal at the second trial the verdict usually stands. A case which would seem to be nearly parallel with that of Becker occurred in Erie County. Charles Boulter, of Buffalo, was tried on the charge of murder in 1903, and the conviction was reversed because of the questionable conduct of the case by the trial judge. Boulter was tried again and convicted. The second conviction was affirmed by the Court of Appeals, and he was electrocuted.

In the famous case of Roland Molneux, an acquittal followed a reversal of the first verdict. In the case of Dr. Samuel J. Kennedy, who was charged with murdering Dolly Reynolds at the Grand Hotel in 1898, the conviction was reversed, and the jury disagreed on two subsequent trials. Nan Patterson was released after a jury disagreed on two trials. She was charged with shooting Caesar Young in a taxi cab.

It was some time before Mrs. Becker regained her composure and could be reintroduced to the courtroom.

CHARGE TO JURY "ANIMATED" SAYS MANTON, WHO OBJECTS

The last word to the jury was said, when Justice Seabury finished his charge at 12:36 p. m. He had spoken for two hours and a half. He carefully reviewed all the evidence in the case on both sides and impressed on the jurors their solemn duty as the final judges of the facts. The court's charge was generally considered very fair and impartial, with perhaps the theme of the people's case predominating, because of the much larger amount of evidence introduced by the state.

Martin T. Manton, chief counsel for Becker, created a sensation at the close of the charge by taking exception to it as a whole.

"I respectfully except to your honor's entire charge," he said. "On the ground that it took the form of animated argument. While it may be true, as has been said, that a crime is never committed without a motive, yet motive is not an essential ingredient of the crime of murder."

Now, whether or not this defendant at the bar had any motive to kill Rosenberg is a question of fact, resting solely within the province of the jury. While it may be true, as has been said, that a crime is never committed without a motive, yet motive is not an essential ingredient of the crime of murder.

The crime of murder may be proved without any proof of motive. Where the direct evidence in the case establishes unmistakably the guilt of the defendant, the question of motive is immaterial. It is true, however, that where the case depends in any degree upon circumstantial evidence, the question of motive is of great importance. The question of the identity of the criminal, the case against the accused may be much strengthened if the jury conclude from all the evidence that the accused had a powerful motive to cause the death of the deceased.

Where circumstances point to guilt and the jury are satisfied that the defendant had a motive to cause the death of the deceased, the jury may take that motive into consideration in determining whether or not it is reasonable. It is proper to believe that the defendant did commit the crime with which he is charged.

Motive, however, can never, in and of itself, prove guilt, though it may strengthen the circumstantial proof of guilt.

Did Becker Direct the Murder? Justice Seabury then referred to the prime issue in the case as to whether or not the defendant did direct the killing of Rosenberg. He discussed the evidence of the so-called "Harlem conference" in this connection, and remarked that it was one of the important questions to determine as to whether such a conference took place. He said:

Now, gentlemen, we have come to the question as to whether this defendant did direct the killing of Rosenberg. I shall not review the testimony of Rose upon that subject; I shall not even summarize it, except to say that you recall the many alleged conversations which Rose says he had with this defendant, and to recall the testimony of Rose to the effect that this defendant told him that Rosenberg must be murdered; that there was delay; that this defendant became impatient under the delay and urged that the murder should be committed before Herman Rosenthal appeared before the grand jury of this county and gave evidence to that body.

It is an important question in this case for you to determine whether or not this so-called "Harlem conference" was held.

You have the testimony of Rose; you have the testimony of Vallon to the effect that on the night of June 27, 1912, they met this defendant at the corner of 125th st. and 7th av.; that in that conversation this defendant told them that Rosenberg must be murdered, and assured them that no harm would come to any person who brought about his death.

Now, the people offered you the testimony of Marshall. You saw Marshall upon the stand. Marshall says that he saw Rose talking with this de-

fendant. It is very important in this case for you, gentlemen of the jury, to determine whether that testimony was true. Did Marshall see this defendant and Rose talking together at that place that night? You remember the testimony of the officer called upon behalf of the defendant. One of them says that he went into the defendant's house, and that he brought the defendant's car to return to his home, and did not, on any occasion that night, come in contact with or see Rose.

Now, it is not denied that the defendant was engaged in paying a so-called "cray game" at 230 West 124th st.; it is not denied that Marshall, the colored boy, was there.

The fact in issue was whether this defendant and Rose were together there upon that occasion. And you will consider all the testimony bearing upon that subject.

It appears from the evidence given by Rose, Vallon and Vallon at the last trial, and it is offered in evidence on this trial, that they did so—as I remember the testimony, that the defendant said on that occasion that he was engaged in making a raid in Harlem; and it is in evidence, by the testimony of Vallon given in the last trial, that Vallon testified then that while they were talking with this defendant a colored boy approached them and spoke to the defendant.

Now, it is for you to say whether you find in the testimony of Vallon and the subsequent appearance and testimony of Marshall any circumstance that tends to corroborate the truth of Vallon's testimony upon this trial.

Was Rose with Becker?

You have got a sharp issue of fact there as to whether or not this defendant and Rose were together upon that occasion. You have got the testimony of the accomplices, Rose, Webber and Vallon; you have got the testimony of the state, and on the other hand, you have the testimony of Shepard, of Shields and of Rice, officers of the defendant's squad, who say that Rose was not there.

Now, some question was raised upon the argument as to whether or not Marshall might not be mistaken in the identification of this defendant. It is a substantial thing for you to determine; you will determine whether you think Marshall was mistaken.

You will determine whether or not you think Marshall was accurate in his identification; you are to determine whether or not you think he would recognize Rose; you are to determine whether or not you think he would recognize Rose; you are to determine whether or not you think he would recognize Rose; you are to determine whether or not you think he would recognize Rose.

Now, you have the testimony of Webber that he met the defendant pursuant to this telephone call in front of the station house at 43d st., not long after the murder, by declaring that there was "a little conflict of evidence" in regard to that meeting. He said:

Now, there is a little conflict of evidence as to whether or not this defendant came downtown in front of Webber's place, and in conversation with Webber and with Rose. Webber and Rose say he did; Hawley says that he met the defendant at the station house, and that the defendant practically for the balance of the evening was continually under his observation.

The police blotter, as I remember it, shows that the defendant reached the station house at 10:30 p. m. If you say, that morning, Rose and Webber, and that this defendant met Webber at the time that Rose and Webber claim that they were with the defendant.

The court instructed the jurors that they should not be prejudiced against the defendant because he was "a police officer," or because "a police officer" might think he was guilty of a crime. They should confine themselves strictly to the specific charge of murder, he said.

If the jury believes that any witness in this case has knowingly testified falsely to any material fact, you are at liberty to disregard altogether the testimony of the witness and to base your verdict upon the other evidence that remains in the case. I do not say that you must discard the evidence of a witness who has testified falsely to a material fact. I say that the rule of law is that you may do so.

You are to determine, gentlemen—the responsibility is yours—whether from all this evidence you believe that this defendant at the bar is the innocent victim of a gigantic conspiracy concocted by Rose, Vallon and Webber to hold him responsible for a murder that he never committed; or you are to determine whether or not the evidence in this case carries conviction to your minds this defendant instigated, planned and counseled the commission of the murder.

That is the question in this case for you gentlemen to determine from all the evidence that has been adduced upon this trial.

If you are not satisfied that the defendant is guilty, acquit him. If you are satisfied of his guilt, return him guilty as charged, and in determining the degree of crime that he is guilty of, if you conclude that he is guilty, the rule of law is as follows: "When it appears that a defendant has committed a crime and there is reasonable ground for doubt in which of two or more degrees he is guilty, he can be convicted of the lowest of these degrees only."

I do not ask you to submit to you all the degrees that are included in the charge of murder, but I am also required to tell you that if you find a defendant guilty your duty is to find him guilty of the degree of crime which the evidence and the proof shows that he committed.

In conclusion, Justice Seabury said: Without intimating any opinion, and I have endeavored to refrain from intimating any opinion as to the guilt or innocence of this defendant, I trust that you gentlemen will arrive at a conclusion in this case. Unless every party in a trial performs his full duty the trial cannot be properly conducted.

The District Attorney must present the

side of the People; the counsel for the defense must present the defense for his client; the court must charge the jury as to the law and rule upon questions of evidence, and then, the jury must decide the case. And unless you do that duty, all the labor that has been expended upon this case will have been lost. The District Attorney and counsel for the defense, the court, have all tried to perform their duty to the best of their ability.

Justice Seabury concluded his charge at 12:36. The jury retired at 12:40.

JURY IN FIVE BALLOTS SENDS BECKER TO DEATH CELL

From First Vote Until the Final Poll Two Jurors Clung to Plea of Not Guilty—Donohue's Failure to Testify Weighed Against Accused

The verdict that doomed Becker to the death cell was reached after five ballots, but the deliberations of the jury were harmonious throughout, there being no great amount of argument necessary to win over the dissenting jurors. The first ballot, taken immediately after they had retired, stood six for guilty, two not guilty, one blank and three for a lesser degree of murder.

Before beginning their deliberations they made a sworn written agreement not to divulge after the jury was discharged the way in which individuals voted, but left it to the discretion of the jurors as to whether they should say anything as to what transpired in the jury room. Most of them interpreted their agreement to mean that they should not discuss it at all, but one of them consented to give an outline of the deliberations.

After the first ballot was taken, he said, they decided to go to lunch before continuing their efforts for an agreement. They went to lunch about 1:30, returning about 2 o'clock. A second ballot stood seven for guilty, one not guilty, one blank and three for a lesser degree of murder. The third ballot showed eight for guilty, two not guilty, one for a lesser degree and one blank; while the fourth vote was ten guilty, one not guilty and one for a lesser degree.

Before taking the fifth and last vote they went over the case again in detail, discussing each witness in turn. As to Rose, Vallon and Webber, they asked the questions to whether they liked, finally deciding that, although they might have told some untruths, their testimony in essential details was honest. Then they took up Schepps, and considered the question as to where he was and why he had not testified, but decided to throw him out of all further consideration.

A point, the juror said, that weighed

SING SING IGNORANT OF BECKER VERDICT

Death House Inmates, Hoping for His Acquittal, Will Get News To-day.

Detective Jackson, who has been employed in and about Sing Sing prison for thirty-five years, said last night that Charles Becker would be the first man to return, in his recollection, after having left the death house. There is but one vacant cell in the death house, and the ex-leutenant's coming will mean a rebucsal, the White Plains "murder king" goes to the chair.

All afternoon the prisoners wondered what had happened to Becker, but the fifteen in the death house were locked up for the night, at 5 o'clock, without any news. Warden Clancy himself learned at 5:15 o'clock that the verdict of the first trial had been duplicated. He decided to keep the news from the prisoners until this morning.

Those who were in the death house with Becker and those who have moved in since his departure were equally hopeful yesterday that his fight for life had been successful. Nothing can exceed the optimism of a condemned murderer, prison officials say. No matter how guilty he may be, or how strong the evidence against him, he never loses hope until he is strapped in the chair.

Becker's return will depress them but momentarily, for they all believe that when they get their chance they will be able to beat the state. One of these is Newton Tomlins, who occupies the cell formerly occupied by Becker, the most sought for cell in the death house. Almost every one who has occupied it has been lucky. Molneux and Patrick spent much time there, and when Becker returned to the Tombs there was much competition for it. Tomlins won, because he was the oldest man confined. He killed his son in Rockland County.

DEATH HOUSE OF HER OWN

Sing Sing to Do Its Best for Condemned Woman.

Mrs. Madeline Ferola, the first woman convicted of murder in the first degree in New York City since 1898, will have a whole house to herself when she goes up the river. She has not been sentenced yet, but on Tuesday Justice Davis is expected to name a date for her execution in the electric chair.

Warden Clancy is preparing the house across the street from the wall, the one occupied by Principal Keeper Connaughton before his death, two months ago. Three women keepers, formerly at Auburn prison, are expected to be on hand to look after Mrs. Ferola.

The prisoner killed a young man who had obtained a license to wed her and then backed out. She was convicted on Tuesday on evidence of her alleged accomplice and her ten-year-old daughter.

GUNMAN'S MOTHER GLAD

Blames Becker for "Whitey Lewis's" Fate—Sorry for Wife.

Mrs. Seidenschneider, mother of "Whitey Lewis," was praying over her candles last night when a reporter for The Tribune called at the flat on the fourth floor of the tenement house at 325 5th st. As she finished her prayer she approached with a smile and said before any question could be asked:

"This is the happiest moment I have known since the Rosenthal murder, which implicated my boy and caused his execution."

Her sorrow for Mrs. Becker was intense, she said, but for the man she blamed for the end of the son she has no pity. She was elated by the verdict and believed it no more than was coming to the defendant.

"I only hope the Court of Appeals will not reverse the verdict this time," she said.

FOUR KILLED IN PIER PLANK CRASH

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Impeded. Despite all this confusion, however, acts of heroism were performed.

As soon as a semblance of order was restored a field hospital was established on the dock, where first aid was given to the injured before they were rushed to St. Mary's Hospital. Every Hoboken hospital sent surgeons and ambulances.

Grappling for the bodies of the dead was started shortly after the disaster, and by 6 o'clock in the evening three had been recovered—the bodies of Mrs. Edwardsen, Annie Feitschen—she was still clutching in her hand a bouquet of artificial flowers—and that of a light-haired, blue-eyed little girl.

When the news of the accident reached the Custom House here General Nelson M. Henry ordered out a revenue cutter and, accompanied by Henry N. Seelye, steamship inspector, started for the Hoboken pier, where they began an official investigation of the accident.

The Frederick was scheduled to sail at 2 o'clock. It was five minutes of the hour. The warning whistle had sounded. Those who had gone on board to say goodbye were hurrying ashore. Four gangways leading from the ship to the dock were crowded. Then it was that the forward one of these, stretching from the main deck, and used for third class passengers only, broke about eight feet from the side of the ship, hurling those on it either into the river or upon the heads of the people massed on the dock.

Despite the panic rescue work was promptly started.

John Peterson, of Jersey City, leaped into the river when he saw Annie Edwardsen as she came to the surface. He caught hold of her, but she struggled desperately, and finally broke from his grasp. He was exhausted by his efforts, and when he regained the dock went violently insane and had to be taken to St. Mary's Hospital in a straitjacket. There it was necessary to strap him to a cot.

Mrs. Donaldson was standing near the foot of the gangway when it broke. She received a violent blow in the stomach. She was about to become a mother and an immediate operation was found to be necessary. But the child was dead when it was born, and Mrs. Donaldson's condition was considered critical last night.

Mrs. Edwardsen and her little daughter had gone to the steamer to see Mrs. Nellie Johnson and the latter's children off. The two women had lived together since Mrs. Johnson's husband was killed while working on the stands for the Brooklyn Federal League baseball park.

The Scandinavian-American Line issued a statement last night in which it said the gangplank had been made about three years ago, was built of wood and was always kept in perfect condition. The accident was blamed to the rush of outgoing visitors and overloading. The company added that one of the Frederick's quartermasters had jumped overboard from the main deck and assisted in rescuing several, while other of its employees had leaped overboard from the dock. One woman, whose name could not be learned, but who was a passenger, had her leg broken, but decided to sail. She was the only passenger injured.

The line promises to make a thorough investigation.

Many of the slightly injured were sent to their homes by officials of the company in automobiles.

Mrs. Feitschen, mother of Annie Feitschen, became violently hysterical when she could not find her child. To quiet her she was assured that the girl had been found on the ship and good care would be taken of her until she could be brought back. The mother was finally induced to go to her home, and a doctor went with her.